OPPOSITION TO MANU
WHY ?

Publishers :-
Arsh Sahitya Prachar Trust, Delhi-6

OPPOSITION TO MANU: WHY ?

(English Translation of 'Manu Ka Virodh Kyon ?')

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Publishers

Arsh Sahitya Prachar Trust, Delhi-6

Publishers:
Arsh Sahitya Prachar Trust
455, Khari Baoli, Delhi - 110 006
Phone : 23953112, 23958360

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First Edition
(English Translation) 5000

Price: Rs 6

Composed by:
Narain Computer Typing
JHAJJAR (Haryana)

PUBLISHER'S NOTE

Consequent upon the unwarranted opposition to Manu a unanimous resolution was passed on 28th July 1989 by the full administrative bench of the Rajasthan High Court to the effect that the statue of Maharshi Manu installed on the Jaipur premises of that Court be removed. While discussing this resolution with Dr. Surendra Kumar I was first inspired and later helped by him to file a writ petition in the Jaipur Bench of Rajasthan High Court seeking the annulment of the impugned order. Fifteen points forming our argument were put before the court for consideration. In other words the writ petition was based on these points on the strength of which it was prayed that Maharshi Manu's statue should not be moved to any other place from the one where it stood installed at that time.

The fifteen fundamental points were:-

i. Maharshi Manu -- the first and the foremost writer of a Code of **Dharma**.
ii. Manu – A religious teacher and a preceptor.
iii. The **Manusmriti** – a major scripture of the Arya Samaj.
iv. Manu – the first law-giver.
v. Manu and the **Manusmriti** -- most authentic as evidences in the view of modern scholars.
vi. Manu's statue installed in the Supreme Court also.
vii. Manu's wide recognition overseas.
viii. Manu, the foremost father of mankind.
ix. The real nature of Manu's Varna system-- a rational system.
x. Shudras -- not untouchable in the opinion of Manu.
xi. Manu's Penal Code -- not anti-Shudra.
xii. Many examples and evidences in history to prove that change of Varna is possible.
xiii. Change of Varna as per Manu's system -- a common occurrence in modern times.
xiv. The oft-cited objectionable verses -- spurious interpolations in the **Manusmriti**.
xv. Research on the presence of interpolations in the **Manusmriti** conclusive.

The Court summoned me also in my capacity as the petitioner to put across my point of view. I was given only limited time. So I straightway told the senior advocate pleading against Manu's statue:-

"I have based my petition on fifteen points. You may identify any

three of these which you regard as the weakest. I will confine my arguments only to the three points for the time being, leaving other points out for want of time."

It sounded amazing that someone should ask the lawyer of the rival side to take up only the three weakest points out of a total of fifteen and to confine only to them while pleading. But this senior advocate of the defendants could hardly say anything in response to this offer. Seeing no reply forthcoming the full bench ruled that I should put before the court in gist all that I had to say on the fifteen basic points. I did exactly as I was told. It took me about three full days. The Court heard me with rapt attention. When it came to the defence lawyer to put up his side of things he started looking sideways. The court record has this to say: "The advocates disparaging Manu could not dare say anything in reply even though the Court waited for twenty long minutes for securing a reply."

At long last the court passed an interim judicial order staying its own administrative resolution dated 28-7-89 to the effect that Manu's statue should be removed to some other place from the premises of the court. With the result the statue continues to stay installed just where it was.

As a matter of fact it is highly disgusting to note that a thoughtless attempt was made to have Manu's statue removed on the basis of various kinds of baseless allegations or with some ulterior motives. The aim of this tract is to caution the discerning readers against the politically motivated attacks being made on great men of India. I am, of course, grateful to Dr. Surendra Kumar who has shown extreme sense of duty, care and caution in the whole episode.

August 10, 1995

Dharampal Arya,
Secretary,
Manu Pratishthan Sangharsha Samiti
and
Secretary, Arsh Sahitya
Prachar Trust, Delhi.

FOREWORD

One of the most frequently used words these days is **Manuvad** without its meaning and import being made clear. The use of this word is being made vaguely, ambiguously and loosely only in tune with the phraseology used by crafty politicians. A correct and impartial assessment of the **Manusmriti** leads us to conclude that **Manuvad** means a philosophy which is based on finer values of life, viz., merit-action-capability trio determining a person's status in the society rather than his birth and parentage. Naturally then a philosophy having no reference to an individual's merits, performance and capabilities, and upgrading or degrading him only because of his birth and parentage will be called anti-**Manuvad** or non-**Manuvad.**

The contents and the interpretation of the **Manusmriti** presented (or mispresented) by anti-Manu writers right from the British critics down to some Indian writers are prejudiced and one-sided. Completely ignoring the brighter side they have highlighted the interpolated verses which were added spuriously to the original **Manusmriti** by self-seeking writers with ulterior motives. This approach not only damages the image of Manu but also presents in bad light the Indian religion, civilization, culture, history and particularly the religious scriptures. Besides, it helps create misgivings about them in and out of the country. This, in turn, leads to sacrilegious treatment of our scriptures without any justification wounding our racial and national pride grievously.

This write-up aims at giving correct information on **Manu** and the **Manusmriti**, at carrying out a correct appraisal of the book by removing misgivings about it, and thus at creating a correct opinion about it. It cannot be denied that the birth-based caste system has brought about the downfall of our society, race and country. This system continues to be a potent danger with adverse ramifications for future. But at the same time it is also a fact that some Indians are extremely short-sighted in as much as they are trying to tarnish our magnificent past and talk of demolishing our rich heritage only on account of an evil system (caste-system) which was introduced not by **Manu** but by someone subsequently. This is like cutting at the very roots of Aryan or Hindu religion, civilization and culture; nay, of the very existence of

Hinduism.

No system in the world is completely foolproof or wholly acceptable. Even the present social and political system is not perfect. If some flaw creeps into a system it can be remedied. Our ancient saints and sages have suggested to us a panacea for tackling such unwarranted situations:-

यानि अस्माकं सुचरितानि, तानि त्वया उपास्यानि, नो इतराणि ।

(Taittiriya Upanishad, I-II-2)

This means that good actions of others should be embraced and imitated and not the rest.

Acting upon this precept we can keep up the good and give up the bad. Our welfare lies in carrying on our good conduct, actions and intentions. It is foolish to give them up. In any case it is now hoped that the readers will shed their misgivings after having read this treatise. They will also get acquainted with the principles and precepts carried in the **Manusmriti** and will come round to accepting them.

--Dr. Surendra Kumar

OPPOSITION TO MANU : WHY ?

During the British period in India some western writers indoctrinated in Christianity, and having vested interests in the continuance of the British Empire hatched a foolproof conspiracy. They planned to inculcate antipathy in and demolish faith from the minds of Indians towards every that thing and person who traditionally were closely associated with the majesty, magnanimity and magnificence of India. These western writers succeeded in converting to their views some of the Indians with the help of the imperial influence of the Britishers and their divide-and-rule policy. Macaulay's educational policy also lent them a helping hand. Such Indians then carried on and furthered this anti-Indianism. Thus came up on the scene a group of people who made Maharshi Manu-- the first law-giver, and his **Manusmriti**-- the foremost law-book, a target of their slanderous criticism. Things have come to such a pass that whereas disparaging Manu and decrying his **Manusmriti** on mere hearsay and unsubstantiated criticism has become a mission for some sections of the society, it has become a fashion with the English-knowing people in India, and an issue for winning elections for some political parties. Very queer is the conduct of our politicians in this regard. A few years ago, soon on the split of a particular political party the erstwhile progeny of Manu disowned him as their foremost father and started cursing and contemning him, his **Manusmriti** and his progeny from public fora. One of the political parties structured a point and programme, **viz., Manuvad** for grabbing political power. Some years ago when a statue of Manu was installed on the Jaipur premises of the Rajasthan High Court in recognition of his having been the first law-giver, some people saw the statue as a potent danger and began subjecting the lifeless statue to a controversy. The dispute thus created is under the consideration of that very Hon'ble Court to decide. The fact of the matter is that some people, regarding the opposition to the statue as a very good posture for making the best political capital out of, are trying to acquire a political identity.

One is amazed to see such people disregarding the **Manusmriti** as, let alone having read it, have not even as much as seen the shape and size of the book, One day I confronted a person who started slighting the **Manusmriti** by quoting a quadruplet from Tulsidas, **viz., 'Dhol, pashu,**

shudra, aur nari....' attributing it in ignorance to Manu as one of the **shlokas** authored by him. It can easily be guessed from this illustration how little the slanderers of Manu know about him and his **Manusmriti.**

Laymen apart, even as widely read a man as Dr. Ambedkar is swept away in opposition to Manu to such an extent that he sees in every anti-**Shudra** act a doing of Manu. He has attributed to Manu the anti-**Shudra** sayings of even Shankaracharya. And the chaos and confusion created by ordinary writers in respect of Manu has a very long account. All this points to the fact that a careful and serious study of the **Manusmriti** has not been carried out.

It has been observed that there are three types of people who indulge in deprecating Manu. One are those who have read Manu through prejudiced commentaries written in English, and have been brought up in a tradition thus developed. Such people are not acquainted with the alterations and interpolations carried out in the ancient Indian literature through the ages. The second are those who have not read side by side the original and the interpolated versions thoughtfully and critically. The third are those who have made it a point to disparage Manu on account of some misgivings, prejudices and worst of all, even vested interests. But the fact remains that Maharshi Manu neither as a man nor as a writer deserves to be condemned. India and Indianism can take pride in him and look big and dignified.

A. MANU'S PLACE AND POSITION

1. Manu's Position in India

Maharshi Manu is the first to have given the world a well-regulated, systematised, ethical and ideal pattern of living for human beings. He is the first among **manavas** (one of the human races), the first among scripture-writers, the first among law-makers, law-givers and social philosophers, the pioneer statesman and above all the first sage-ruler. Manu is the religious teacher who introduced the **yajna**-rituals. The religious scripture composed by him which today is known as the **Manusmriti** is the oldest of **Smritis**. We see in our ancient history and literature right from **Vedic** ages down to modern times, a long tradition of those scripture- writers, litterateurs, authors, poets and rulers who have spoken of Manu eulogistically. **Vedic Samhitas** and **Brahmanical** scriptures describe Manu's words as efficacious and beneficent like medicine. Maharshi Valmiki in his **Ramayana**

alludes to Manu as an authority in the field of religious scriptures. Ram, who is worshipped as God by the Hindus, quotes Manu's verses to prove that his conduct has been in consonance with the directions given in the religious scriptures. The **Mahabharata** proclaims at several places that the **Manusmriti** is a tried and tested constitution of life, and alludes to its writer as the greatest preceptor and jurist. In several of the **Puranas** Manu has been embellished with epithets such as the foremost sage-ruler, scripture-writer, etc. and thus has been painted as a person devoted to human welfare. Acharya Yaska quotes Manu's dictum in his **Nirukta** in the discussion on equal rights for sons and daughters and thus regards him as authentic. In the **Arthashastra** Chanakya has quoted Manu as an authority. Brihaspati, a writer of one of the **Smritis** regards the **Manusmriti** as the most authentic document and proclaims other **Smritis** controverting Manu's as unacceptable. Ashwaghosh, the Buddhist poet, quotes Manu's dicta in his work **Vajrakopanishad** as an evidence. Yajnavalakya's **Smriti** is based on the **Manusmriti** itself. All religious books and **Smritis** quote Manu's words in support of the contentions contained in them. Dharsen, the king of Valabhi has declared Manuism as an authentic creed as per a petrograph of 571 A.D. Dara Shikoha, the writer-son of Emperor Shah Jehan describes Manu as the first and original human whom Jews, Christians and Mohammedans call Adam. Guru Govind Singh has showered liberal eulogies on Manu in his book entitled 'Dasham Grantha'.

Maharshi Dayanand, the founder of the Arya Samaj accepts **Manusmriti** as an authority second only to the Vedas. Shri Aurobindo regards Manu as a semi-god. Shri Rabinder Nath Tagore, Dr. Radha Krishanan, Pt. Jawaharlal Nehru and many other national leaders have made a mention of Manu in their writings as the first law-giver. A number of jurists such as Justice A.N. Mullah, N.Raghavacharya and others have acknowledged Manu's set of laws as an authority. Keeping only this widely acknowledged recognition of Manu in mind Pt. Nehru and people at large embellished Dr. Ambedkar with the epithet 'Modern Manu' while presenting the Constitution of India to the Lok Sabha. Also, while unveiling the statue of Dr. Ambedkar, Shri R.Venkataraman, the then President of India added to the grandeur of the former's personality by calling him "Modern Manu."

2. Manu's Recognition Overseas

Manu's position and prestige, his magnanimity and magnificence

and the extent of his influence overseas have not been any the less than these have been in India. The encyclopaedias brought out by the Britishers, Americans and Germans describe Manu as the foremost among humans, as the first law-giver, as the pioneer jurist and social philosopher. Upholding Manu's beliefs Maxmueller, A.A. Macdonnel, A.B. Keith, P.Thomas, Louis Renov and other western writers regard the **Manusmriti** not only as a religious book but also a law book and describe the laws given therein as universal in application and beneficial to all mankind. Sir William Jones, a judge in the Indian Supreme Court at one time learnt Sanskrit to have a first hand study of the **Manusmriti** on having realized the scripture's indispensability in arriving at judgements in respect of some disputes of Indians. He even edited the **Manusmriti**. The famous German Philosopher, Frederich Neitsche has gone to the extent of saying that 'the **Manusmriti** is superior to the Bible as a scripture;. In fact, according to him 'It is a sin to compare the **Manusmriti** with the **Bible'**. Books like 'The Encyclopaedia of Social Sciences' brought out in the USA, 'The Cambridge History of India', Keith's 'History of Sanskrit Literature', A History of Dharma Shastra' by Bharat Ratna P.V. Kane, Dr. Satyaketu's 'Dakshin Purvi Aur Dakshin Asia Mein Bhartiya Sanskriti' (India Culture in South East and South Asia) and other similar books contain a vivid and detailed description of the extent of the influence of the **Manusmriti**. These readings can make every Indian feel puffed with pride at the country's ancient heritage.

We come to learn from the history of, and the petrographs found in Bali island, Burma, Philippines, Thailand, Champa (Vietnam), Cambodia (Kampuchea). Indonesia, Malaysia, Ceylon, Nepal etc. that varna system based on people's profession as propounded in Manu's scripture has been practised in these countries. Paramount importance was given to the laws enunciated by Manu, and judgements were doled out accordingly. A number of verses of the **Manusmriti** have been found inscribed in the form of petrographs. Kings and emperors used to take pride in calling themselves the disciples or followers of Manu, and would feel elevated by adding one the other label of Manuism to their name. According to an inscription ··und in Champa (Vietnam) Raja Jai Inder Varmadeva was a follower of Manuism. According to another inscription found in Udayan Varma's 'Sadok Kakthom' there is a mention of a book entitled 'Manav Neetisar' which is based on the **Manusmriti**. In one of Yashovarman's inscriptions found in

Prasat Kompan we find quoted a verse. i.e., 2.1.36 from the **Manusmriti**. In one of the inscriptions of Raja Jayavarma there is a mention of a minister who was well-versed in the **Manusmriti**. In Bali island Manu's social system is still being practised. The code of conduct and the constitutions of the aforementioned countries were and still are largely based on the **Manusmriti**. The Philippines believe that Manu's Smriti and another Smriti authored by Laotse have contributed a lot to the making of their country's code of conduct. It is in recognition of their contribution that the statues of the two have been installed at the gate of the legislature of that country.

Howsoever much Manu may be disparaged and deprecated the relationship that has been built between us and Manu can never be undone. We can never break off with Manu, can never put him in abeyance so long as this human society and its history are intact.

Indian society regards Manu as their original ancestor as is testified in the country's ancient literature. All humans are the progeny of Manu. It is for this reason that all words meaning 'man', such as **manushya, manuj, manav, manush**, have originated from the word **Manu**. So the writer of the Nirukta says while giving an etymology of these words 'मनोः अपत्यम्, मनुष्यः' (3-4). This means that we are called **Manushya** for we are the progeny of Manu. The statement 'मानव्यः प्रजाः' in the Brahmanical scriptures also testifies the same fact. The European scholars have philologically proved that there was a time when Europe, Iran and Indian sub-continent were the members of one ethnic group. The words connoting man in the languages of these regions are all derivatives of words originated from **Manu**, e.g., **minos** in Greek and Latin, **mann** in German, **manna** in Spanish, **man, manis, manus, manes**, etc., in English and its dialects, **nuh** {with स् (s) of मनुस् (manus) changed into ः (h) and म (m) getting dropped} in Iranian Persian. This fact is testified in the historical writings and inscriptions of these countries. Iranians regard themselves as Aryans even today and believe Saptasindhu country to be the place of their origin. Cambodians (Kampucheans) regard themselves as the progeny of Manu. The inhabitants of Thailand consider themselves to be the descendants of Ram who belonged to the Suryavanshi clan. Both Ram and Krishan belong to Manu's lineage. On having read this account we can say that no other scripture-writer or law-giver has been accorded as high a place of pride and prestige as Manu.

3. Accusations Hurled at Manu and the Manusmriti

Now let us consider the charges levelled against Manu and the **Manusmriti** which can broadly be classified into three categories:-

i. Manu built up a caste system based on birth.

ii. In his social system whereas he made partisan and even inhuman laws for the Shudras, he gave privileges to Savarnas (the high-borns), particularly the Brahmanas. Thus Manu was anti-Shudra.

iii. Manu was anti-woman. He did not allow women equal rights with men. Also Manu has spoken rather disparagingly of women.

To answer these charges it will be in the fitness of things to cite evidences and examples from the **Manusmriti** itself rather than quote instances and adduce proofs from outside. So a few observations are being made below on the basis of some conclusions drawn from the **Manusmriti**.

B_1 THE REAL NATURE OF MANU'S VARNA SYSTEM

1. Based on Merit, Profession and Potentiality Manu's System has Vedic Origin:-

The varna system propounded in the **Manusmriti** is based on an individual's profession, his merits and capabilities, and has Vedic origin. This system finds its mention originally in three of the **Vedas, viz., Rigveda** (10.90.11-12), **Yajurveda** (31.10-11) and **Atharvaveda** (19.6., 506), Manu considers the Vedas to be of axiomatic status in religious matters. So, regarding the Varna system as a system propounded and sanctioned by the **Vedas** and considering it to be the basis of righteousness, Manu includes it in his system of administration, and disseminates his plan through his scripture.

2. Varna System and Caste System as Contrasting Systems:-

The determining factors in Manu's Vedic Varna system are merits, vocation and capabilities rather than the birth of a human. Here it is essential to understand that Varna system and caste system are contradictory propositions. Neither of these systems can sustain itself where the other is being practised and thus the presence of one rules out the other. The basic difference between the two can easily be understood if we appreciate the etymological difference of the two words,. In the varna system it is the Varna (an individual's vocation) which is the deciding factor whereas in the caste system it is the parentage which is of crucial importance. Interchangeable use of the two words is highly misleading.

The word **Varna** is derived from the Sanskrit verbal root 'वृञ वरणे' which means the vocation which is chosen. Acharya Yaska clarifies the connotation of this word in his **Nirukta** as follows:

वर्णः वृणोते (2-14) meaning thereby the word 'Varna' has something to do with the choice/the selection (of vocation/profession here), whereas the word 'Jati' has something to do with **Janma** (birth). The word **jati** has been used as a synonym for janma (birth) and not caste as is illustrated below:

जाति-अन्धबधिरौ (1-201)	:blind and deaf by birth
जातिं स्मरति पौर्विकीम्(4-148)	:remembers his previous birth.
द्विजातिः (10-4)	:because he is believed to be born twice.
एकजातिः (10-4)	:Shudra, because he has only one birth and does not have the second which is believed to take place on being initiated into the study-period.

As per Vedic varna system the society is to be divided into four classes, viz., of Brahmanas, Kshatriyas, Vaishyas and Shudras. As long as people kept on choosing one of these vocational groups on the basis of merit-cum-profession-cum-ability the system kept on being called **Varna Vyavastha** (class system). However, when birth or parentage began to determine if one was a Brahmana or a Shudra, etc., it came to be called **Jati Vyavastha** (caste system). An etymological study of the word **Varna**, which is formed from a Sanskrit verbal root and a suffix added to it, only indicates that when the system (i.e. Varna Vyavastha) came into being the Varna (vocation) was selected on the basis of the concerned individual's merit-cum-profession-cum-ability and not acquired on account of his parentage.

3. No Mention of Present-day Castes and Sub Castes in Manu's Varna System:

That Manu has made a mention of only four varnas and of no castes or sub-castes is a conclusive proof in support of the fact that Manu's varna vyavastha was based on vocation and performance and not on birth. Two facts are evident from it. One, there were no castes based on parentage during Manu's times. Two, parentage or **gotra** (sub-caste) was of no consequence in varna-vyavastha and one would not acquire a **varna** (vocation) on this basis. If during Manu's times birth had been the basis for

determining varna or if there had been castes or sub-castes Manu would certainly have enumerated them and also pointed out which of them belonged to Brahmana community and which to Shudra community and so on and so forth. How much disregard Manu had for birth-based aggrandisement is known from that verse in the Manusmriti in which a mention has been made with derogatory epithets like **'Vantashi'** (one who eats his vomit) for those who eulogised someone for his lineage or parentage (3-109). Besides, in Manu mention had been made of an individual's virtues and good deeds only and not of his clan, caste or kinship while showing respectfulness and reverence to him.

4. Purpose of Manusmriti Defeated if Birth-based Castes Accepted:

The very purpose of the composition of the **Manusmriti** would be defeated if we accepted Manu to be a believer in castes on the basis of birth because the scripture has assigned different tasks to different varnas (classes). If a person were to be a Brahmana, kshatriya, Vaishya or Shudra by birth he would remain in the same varna whether or not he performed the tasks allocated to that varna. The very fact that Manu has assigned different roles to different varnas only proves that he approves of vocation and not of birth as the basis of varna vyavastha.

5. Provision for Change of Varna in Varna Vyavastha.

There is a very basic difference between the varna vyavastha and the caste system. It is that there is a provision for change of varna in varna vyavastha. An important verse from the Manusmriti dispelling all doubts in this respect is being quoted as an evidence:-

शूद्रो ब्राह्मणतामेति, ब्राह्मणश्चैति शूद्रताम्।
क्षत्रियात् जातमेवं तु विद्याद् वैश्यात्तथैव च ॥ (10-65)

Manu says in this verse that a Brahmana becomes a Shudra and vice versa on the basis of one's merits, actions and abilities. Similarly such an interchange also takes place between Kshatriyas and Vaishyas.

6. Change of Varna on Neglecting Presecribed Duties:

There are dozens of verses in the Manusmriti which speak of provisions for downgrading Brahmanas to the class of Shudras on account of the former neglecting their prescribed duties and indulging in deeds of debased nature (See 2/37, 40, 103, 168; 4/245 etc.) and for upgrading Shudras to higher varnas consequent upon their undertaking tasks of nobler nature (See 9/335).

7. Varna Vyavastha Practised upto the Mahabharta Period:

The aforementioned proofs and arguments make it abundantly clear that in Manu's social system all people had equal rights to join any of the varnas according to their merits and vocations, irrespective of their parents' profession. This system continued from Rigvedic period until Mahabharata (Geeta) period. The **Geeta** clearly says:

'चातुर्वर्ण्यं मया सृष्टं गुणकर्मविभागशः (4-13)

The chaturvaranya (the four-class system) has been created on the basis of people's vocations and merits and not on their birth and parentage.

8. Change of Varna: Examples in History:

Hundreds of examples from Indian history can be cited in support of the fact that Varna Vyavastha is based on an individual's vocation and action, and has nothing to do with his birth.

i. Kavash Ailush, a son of a slave-woman, and Vatsa, a son of a Shudra-woman became Rigvedic Rishis for their having become seers of **Mantras** (exponents of vedic hymns).

ii. Raja Vishvamitra who was born of Kshatriya parents became a Brahmarshi.

iii. Satyakam Jabal whose birth and lineage are unknown became a **Brahmavadi** Rishi (an exponent of the highest reality, Brahma)

iv. Matanga who was born in a Chandal family came to be called a Rishi...

v. Valmiki who (according to some legends) was lowly-born acquired the fame which goes with the name of Maharshi Valmiki.

vi. Slave woman's son, Vidur, became the prime minister of Raja Dhritarashtra and came to be known as a **Mahatma.**

vii. Shri Ram, a son of king Dashratha, and Shri Krishna, born in a Yadav family, came to be regarded as God. They became venerable even for the **Brahmanas,** their birth in a Kshatriya family notwithstanding.

viii. On the other hand, Ravana who was born in the clan of Pulastya Rishi came to be called a 'demon' for indulging in evil deeds.

ix. Raghu, the ancestor of Rama, had a son named Pravridha. He was outcast from the Kshatriya clan due to his misdeeds and misdemeanour and became a demon.

x. Trishanku, originally a king became a Chandal.

xi. Many of Vishwamitra's sons came to be called Shudras.

9. The Whole Community Acquiring a New Varna.

Besides indivduals, we also come across examples of a whole community or a large part of it leaving its earlier varna and acquiring a new one. Some verses in the **Mahabharata** and the **Manusmriti**, with, of course, some variations in the text, reveal that some of the communities were Kshatriyas earlier but with the negligence of their duties, and for their not having undertaken penance to atone for their omissions and commissions even when so required by the Brahmanas, degenerated into being enlisted among the Shudras.

शनकैस्तु क्रियालोपादिमा क्षत्रियजातय: ।
वृषलत्वं गता लोके ब्राह्मणादर्शनेन च ॥
पौण्ड्रकाश्चौड्द्रविड़ा: काम्बोजा: यवना: शका: ।
पारदा: पह्लवाश्चीना: किराता: दरदा: खशा: ॥ (10-43,44)

Meaning: Owing to their having neglected their prescribed duties and not having undertaken penance even on being advised to do so by the Brahmanas some of the Kshatriya communities which came to be called Shudras were: Paundraka, Audra, Dravida, Kamboja, Yavana, Shaka, Parada, Pahalva, Cheena, Kirata, Darada, and Khasha. In addition to these some other communities that find a mention in the same context in the **Mahabharta** (Ch. 35.17-18) are: Mekala, Lata, Kanvashira, Shaundika, Darva, Chaura, Shabara and Barbar.

Examples of change of varna are found until much later in the history. According to J. Wilson and H.L. Rose the Pakharana or Pushkarna Brahmanas of Rajputana, Sindh and Gujarat, and Pathak and Mahavar Rajputas of Aamtara in the Unnao district of Uttar Pradesh were upgraded to higher classes consequent upon change of vana (see Hindi Encyclopaedia Part 4.).

10. The Secret of Identical Sub-castes in all the Four Varnas:

The Identical surnames found among Brahmanas, Kshatriyas, Vaishyas and Dalitas are a firm proof not only indicating the existence of long family traditions but also showing that the members of all communities are descendants of the same one original family. People in the beginning chose a particular varna on the basis of their merits, performance and potentialities and later on came to be regarded as the members of the same varna. In the times that were to come their varna in case of some, was upgraded, and in case of others downgraded for

various reasons. For example, in some areas the people of Brahmana community continued to remain Brahmanas whereas in others they became Kshatriyas and in yet others, Shudras. During the course of time a rigid social system developed and parentage and birth became the bases of a person's categorisation which came to be called caste.

11. The Basic Elements in Varna Vyavastha:

The basic elements of **varna vyavastha** as propounded in the **Manusmriti** are merits, vocation and capabilities, Manu does not attach any importance to an individual as such or to the varna to which he belongs, but to the aforesaid attributes. Where these attributes abound on the positive side the individual and his varna are accorded greater respect and reverence. Where they are in a low measure or are on the negative side the individual and his varna are given a lower recognition. Even till today no civilized system has been able to negate the elements constituting Manu's **varna vyavastha** nor is any likely to do so in future. Negating these is sure to lead to injustice and consequent discontent, protests, mismanagement and ultimately to anarchy. Such a situation is described idiomatically in Hindi as: 'Treating the donkey at par with the horse', and 'driving all with the same stick'.

As a result of such a situation no country or society can progress and prosper, be happy, contented or peaceful, remain disciplined, systematised or even unified. In fact such an arrangement cannot sustain for too long. Even the communistic pattern of society or government, which swears by the principle of equaltiy for all has not been able to ignore the elements so basic to Manu's system. Even in that system we have public posts and social positions being given to individuals after taking into consideration their merits, duties and capabilities which further determine their perks, status and salary structure.

If we carry out a comparative analysis of the present day administrative and business set-up vis-a-vis the one conceived by Manu we shall be able to see clearly the essential similarities between the two. There are four classes in the administrative hierarchy of the government, **viz.**i. Class I Gazetted officers ii. Class II Gazetted officers iii. Class III and Class IV employees. Among them the first two man the officer-cadre and the rest are **karamcharis** (workers). The basis of this classification is an individual's potentialities and capabilities, and the duty assigned to him.

And these very things determine the previleges, status and importance given to him. In the earlier times too, the possession of particular type of potentialities and capabilities by an individual was certified by the academic institutions (The **Gurukulas**, the **Ashramas** and the **Acharyas** of the institutions) much on the same lines as is being done today (by schools, colleges, universities, etc.). In the absence of any such certification a semi-educated or an uneducated person has to undertake a menial job or physical labour and such a person is put in the last category of service. In earlier times also a person who would not go to a teacher for acquiring knowledge or a particular skill used to undertake a job of a similar nature and was categorised as a Shudra which means a man of a low position, a message-bearer, etc. One can easily see how similar to the word 'Shudra' are the connotations of words like 'Naukar', 'Chakar', 'Sevak', 'Preshya' (a message bearer), 'servant', orderly', 'a low class employee' etc.

There is not much difference between the systems of allotment of vocation as it exists today and as it was practised earlier. In both the cases one is permitted to practise a profession such as medicine, law or teaching only on the acquisition of a relevant degree or diploma or certification, and not without it. Rules and duties for all jobs are prescribed which if violated will entail removal from the position held by a person.

12. Practical Opportunities for Shudras to Change their Varna

There are some people who have considered themselves Shudras and for some reasons are still labouring under this erroneous impression, and thus keeping themselves deprived of human rights. The Arya Samaj which regards Manu as a religious preceptor and is an ardent follower of the principles and systems enunciated by Manu openly invites them to get initiated into any of the varnas they qualify for, and thus offers them concrete opportunities to change their varna. Long before the present-day constitution of India came into force Maharshi Dayanand declared in the light of the dicta of **Manusmriti** that untouchability, notions of inequality among humans, casteism, denial of education to women and to those born of Shudra parents, child marriage, unmatched marriage, polygamy, practice of **sati** system and social and economic exploitation were great social evils. He also carried on a crusade against these evils. The Arya Samaj has set up **gurukulas** and schools some of which are exclusively

for women. The children born of so-called Shudra-parents have been admitted to these educational institutions. With the result hundreds of **Dalitas** educated there have become scholars of Sanskrit, Vedas and other holy scriptures. Why do Dalitas forget that in order to abolish untouchability numerous followers of Manu and disciples of Rishi Dayanand themselves became untouchables in the eyes of the society, and yet they didn't yield, and carried on the struggle? Dalit writers who are ignorant of these developments see the Arya Samaj also with coloured glasses. Does it not amount to ingratitude on their part?

13. A Correct Appraisal of the System

Manu belongs to antiquity. Although the model values of life, ethical proprieties and true form of religion described by Manu are of universal nature some of the provisions made by him are alterable to suit place, time and situation. The social system which Manu took as a model and advocated for adoption was of the best kind during his times. This is why that system has been the most widely accepted one and has lasted for thousands of years. During the course of time some of the arrangements in that system lost their original nature and became deformed. Today political and social conditions have changed. Democracy has replaced monarchy. Many social systems and traditions have also changed with the passage of time. But this does not imply that our ancient values have become completely unacceptable things to look down upon. If that were our line of thinking every thing connected with our ancient magnificence such as our great men, heroic personages, poets, authors, cities, holy places, monuments, buildings, literature, history, etc. all would become detractable. To carry out a proper appraisal, a system, a person or a thing has to be evaluated in the context of the situations prevailing at the time to which it belongs.

B_2. MAHARSHI MANU AND DR. AMBEDKAR

14. Dr. Bhim Rao Ambedkar has been the chief carrier of the tradition of opposition to Manu, and also the main source of inspiration to anti-Manuism today. It is true that as a result of birth-based casteism, inequality and untouchability being practised in the society Dr. Ambedkar had been subjected to a series of acts of slights and injustice, inequitable treatment and some consequent nightmarish experiences. It is also true that any self-respecting educated person would have reacted along the

same lines as did Dr. Ambedkar. And yet it is also true that the treatment meted out to Manu at his hands on the basis of prejudices he had nursed against the former, and without a correct and complete understanding of his ideas, was also an act of extreme injustice and hence uncalled for. Being a legal luminary, he is all the more to be arraigned for this excess. He provided in the constitution that in no case should an innocent person be punished even if it leads to the acquittal of the culprit. But he himself did not observe this principle in respect of Manu in his pronouncements. He imputed to Manu a set of social systems based on birth and parentage which in fact, was the creation of a soicety subsequent to Manu's times, and kept on accusing Manu unjustifiably and even carried on a villification campaign against him. He also used extremely bitter and unpalatable words for a Maharshi who is held in high esteem in the Aryan (Hindu) society. Dr. Ambedkar's attention was repeatedly invited to the fact that he had several misconceptions and biased opinions about Manu and that he should clear them. But he persisted in his prejudices. There were several reasons for this insistence. Perhaps he did not want to retract on what he had already written on Manu. In his own words 'I may seem hard on Manu, but I am sure my force is not strong enough to kill his ghost'. And it is true that the 'ghost' was never shed and was infact bequeathed to his followers on his death. But the big question is: Can the appraisal which flows out of a haunted mind be called normal, balanced, well-considered and correct?

That Dr. Ambedkar did not know Sanskrit language is also a fact of his life. He himself admits that he had acquired knowledge on Manu and the **Manusmriti** from the critiques and alalyses of Manu written in English language. Naturally, therefore, he could not take into account some aspects of Manu such as the original text and the interpolations in the **Manusmriti**, the perspectives in which a verse has been written, etc. The learned Doctor acquired opinions and built his own views on the basis of his readings of biased commentaries in English. No research had been carried out on the interpolations in the **Manusmriti** till the times of Ambedkar. So he did not come across any man or material to guide him for telling the original from the subsequent motivated insertions. If these reasons had not existed he would have perhaps not spoken so ill of Manu and the **Manusmriti**.

15. A statement and discussion of some of the basic beliefs of Dr. Ambedkar on Manu's Vedic Varna system appear to be necessary so

as to carry out a critical appraisal of these beliefs and also to acquire a new proof to support the contentions made in this write-up. He writes:-

*One thing I want to impress upon you is that Manu did not give the law of caste and that he could not do so. Caste existed long before Manu. (Caste in India, P.16)

*It is indisputable that the Vedas lay down the theory of Chaturvarnya in what is known as the Purushsukta. (**Philosophy of Hinduism**, P.25)

* Manu may not be responsible for the creation of caste. Manu preached the sanctity of the Varna and as I have shown varna is the parent of caste. In that sense Manu can be charged with being the progenitor if not the author of the caste system. (**Philosophy of Hinduism**, P.25)

*I must admit that the Vedic theory of varnas as interpreted by Swami Dayanand and some others is sensible and an inoffensive thing. It did not admit birth as a determining factor in fixing the place of an individual in society. It only recognised worth. (**Annihilation of Caste,** P.92-93)

*The essence of the Vedic conception of Varna is the pursuit of a calling which is appropriate to one's natural aptitude. (**Annihilation of Caste**, P.92)

*The Principle underlying caste is fundamentally different from the principle underlying varna. Not only are they fundamentally different but they are also fundamentally opposed. (**Annihilation of Caste**, P.59)

16. Dr. Ambedkar accepts unequivocally that varna system has its origin in the Vedas, that it has been handed down by the Vedas, that Manu is only an advocate of this system and not its creator, that the Vedic varna system is logical and not at all despicable in as much as it is based on an individual's merits, vocation and capabilities, that the Varna system and the caste system are contradictory in nature and that Manu is not the creator of the caste system. Thus as per Ambedkar's own admissions, Manu stands absolved of the charges of being the creator of either the caste system or even the varna system. He being an advocate of the varna system cannot be charged with being a supporter of birth-based caste system. If varna system is 'sensible' and 'inoffensive' Manu has done only the desireable and nothing wrong by supporting and strengthening the system. Manu, being a follower of Vedic faith, regards the Vedas and their postulates as axiomatic. Then it is no sin that he disseminates the good provisions and principles of his religion as

commanded by the holy scriptures upholding this faith. Followers of all faiths do likewise. After having converted to Buddhism Dr. Ambedkar also disseminated Buddhistic beliefs. If he is justified in doing so, Manu too is. It is surprising that even after having made admissions (which figure above in his own words) severally Dr. Ambedkar detracts Manu at every step by holding him responsible for the caste system. How far is it justified to impute to Manu the creation of social systems which came into being long after him, and speak bitterly of him on this basis?

About 80 amendments have been carried out in the Indian Constitution in the 46 years of its existence, some of which are violative of the spirit of the constitution such as the one prolonging the use of English as an official language, the one seeking removal of the provision of giving subsistence allowance to Muslim women, etc. Can Dr. Ambedkar be held responsible for these amendments and the amendments yet to come? If not, how can Manu be held responsible for the evil and depraved system which developed and came to be practised long after him.

17. Dr. Ambedkar believes that varna system has given rise to caste system and since Manu advocated the varna system he is to blame for the caste system. What an odd and offensive argument! Just in tune with the caste system itself! It amounts to saying that if someone does not observe **shraddha** he will go to hell alongwith his forefathers of six generations only because the latter have been the forefathers of the former. Also, if someone observes **shraddha** his six earlier generations will cross over to heaven as they are his begetters. Much on the same lines since the caste system is an evil system so the system immediately preceding it (i.e. the varna system), should also be an evil one.

What is surprising is that a legal luminary should be levelling serious charges against a law giver. Dr. Ambedkar has nowhere provided in the Constitution of India that while punishing a culprit his parents, grand-parents and ancestors should also be declared guilty only because they have begotten him. Only if Dr. Ambedkar had made a provision in the constitution that people could also be declared guilty, punished and exterminated for their misdeeds of the past, if not in all cases, at least in the case of some matters relating to nationalism! It would have gratified at

* The references are to Govt. of Maharashtra publication of Dr. Ambedkar's writings and speeches, 1979.

least those nationalists who believe that on the attainment of freedom those people who had indulged in treason against the cause of freedom, who had collaborated with the imperialistic foreign rulers, who had indulged in acts of espionage and had sent the patriots to gallows should have been declared offenders and punished. The traitors to the national cause led a happy and bountiful life in the days of foreign rule by having been favoured with landed property, pelf and position. And they or their progeny even now continue to do so. On the other hand the freedom fighters are going about from pillar to post on the look out of even the basic amenities of life. Such charity towards treachery and such indifference towards patriotism have hardly ever been shown in any other case of transfer of power or change of government! If the treacherous people had been punished it would have taught them a lesson and in turn it would have been in the larger interests of national integrity, unity and freedom.

18. Manu is being held responsible for the varna system having degenerated later into caste system as if Manu had been in the foreknowledge of this degeneration, and had consciously advocated the varna system with a dubious design! Dr. Ambedkar is the creator of the present constitutional system of India. But, did he know at the time of the creation of this constitution what system of government might spring from it in future due to unforeseen developments ? No, not at all. Similarly Manu also did not know what shape varna system would take in the times that were to come.

19. Dr. Ambedkar is the creator and a staunch advocate of the current constitutional provisións which are free from caste prejudices. If unfortunately, consequent upon some changes for some unforeseen reasons, the Indian constitution acquires a casteist bias hundreds of years hence will Dr. Ambedkar be responsible for that? At that time every reasonable person will say at the top of his voice, "No, No. Ambedkar is anti-casteist. Why should he be labelled as the author of the caste-based system?" When obviously the caste-system is at variance with the varna system how can Manu be dubbed as the creator of the caste system? So the charge that Manu was the father of the caste system cannot be sustained and hence stands rebutted. The fact of the matter is that a subsequent society is the creator of the evil caste system and that very society is to blame for its subsistence and sustenance.

20. Dr. Ambedkar states that Manu 'did not give the law of caste and that he could not do so. Caste existed long before Manu' (**Caste in India**, P.16). Thus Ambedkar himself admits that Manu is responsible neither for the creation of the caste system nor for the society practising it. This implies that varna system was already in vogue and the society had come to accept it before Manu. This system was after people's heart. It had universally been accepted as the best system at that time. It was not imposed by Manu on the society. How then is Manu responsible for the system which the society had already accepted and was practising? As Dr. Ambedkar had advocated a system acceptable to people so had Manu also promoted the varna system which had been liked by the people. Then there is hardly any justification left for holding Manu guilty.

21. No system in the world is fully flawless and acceptable without reservation. So there is no justification at all in subjecting the whole of Hindu religion to insulting criticism in the context of the evil caste system which developed long after Manu and other Hindu social philosophers. Are all the constitutional provisions of today which boast of being just and fair, really perfect? As a matter of fact they are highly controversial, modern sense of equitability notwithstanding. Reservation for the weaker section has been provided as warranted by the present day requirements, and yet it is being violently questioned. Hundreds of years hence when the working of the present system is recorded in history ignoring the current perspectives it is certain that the sections of the society enjoying privileges of reservation now will be painted in the same colour Brahmanas are being painted today in the context of ancient holy scriptures.

As per present constitutional provisions appointments to almost all public posts from the highest to the lowest have to be made on the basis of degrees and diplomas, and performance at competitive examinations and interviews. Nominations are made to certain posts. In only a few years of the coming into being of the current constitution things have come to such a pass that the yardstick of merit is ignored with impunity, and the relatives and recommendees of political leaders and officers in power alone are mostly nominated to administrative posts in utter desregard of an individual's merits. Interviews are supposed to be held to measure a job-seeker's worth. However, jobs go not to the worthy but to the recommendees or to those who can afford to purchase these positions. Selection lists

quashed by the courts bear a testimony to it. Merit is the first casualty in case of appointments to political posts. Nepotism and favouritism are the order of the day in this respect. Imagine a situation, which is a possibility, that some centuries hence the present constitutional arrangements get degenerated into arrangements the basis of which becomes birth and parentage rather than the deserts of an individual. Will Dr. Ambedkar and the constiuent assembly of which he was a member be responsible for that degenerated form of things? Will anybody be justified in calling the arrangements given by him and the constituent assembly responsible for that degraded and decayed system? If not, Manu can also not be called the father of the caste system and can't be held responsible for subsequent erosion of the social system he pleaded for.

22. A more thoughtless and dangerous statement by Dr. Ambedkar is: If you wish to bring about a breach in the system then you have got to apply dynamite to the Vedas and the Shastras (**Annihilation of Caste**).

On the one hand Dr. Ambedkar believes that Vedas do not advocate caste system, and instead plead only for the varna system which he believes to be logical and not despicable, it being a system based on an individual's merits and performance. On the other he makes a highly improper and provocative statement urging for the torching, nay dynamiting, of the Vedas. How paradoxical the statements are! He has given a call for the extermination of and a complete dissociation with the **Vedas**, the holy **Shastras**, the **Puranas,** the **Ramayana**, the **Mahabharata**, and the **Geeta**.

These holy scriptures provide a basis to and are a source of inspiration for all good values of life such as righteousness, inquisitiveness, literary and cultural excellences, civilized and good conduct. Extermination of holy scriptures amounts to demolition of Hindu (Aryan) civilization, culture, religion, et al.

Did Dr. Ambedkar have this as a target in mind? If Dr. Ambedkar had felt distressed and afflicted in the Hindu fold and had wanted to be out of it, he could jolly well renounce this faith, walk out of it and live on as a free man without joining any particular religious community. But he could not, infact, do without taking recourse to some religious faith either. Consequently he joined the Buddhist fold and came to regard Budhhist scriptures as the carriers of ultimate truth-- this all in constrast to his call for renunciation of Hinduism and Hindu scriptures! Here I would like to

refer to a question put by Mahatma Gandhi (to Dr. Ambedkar) who wanted to know how one could be a Hindu by disowning the **Vedas** and **Shastras** when nobody could be a Muslim by rejecting the **Quran**, and nobody could be a Christian by rejecting the **Bible.**

The thinking of Ambedkar can be compared with the thinking that suggests that instead of treating the boils of a diseased person the patient himself should be exterminated.

23. There is no even remotely suggestive mention of caste-system in the Vedas. Dr. Ambedkar admits this. Even so he has criticised the Vedas without justification on any other count. He has talked of exterminating the Vedas rather than acknowledging their worth. Even on having converted to Buddhism he continued to deprecate the Vedas and thus defied his preceptor, the Buddha and the Buddhist scriptures in as much as they speak very high of the Vedas and of those who are well-versed in the Vedas, and thus affirm their importance. Here are some quotes in support of this contention.

(a) "विद्वा च वेदेहि समेच्च धम्मम् ।
न उच्चावचं गच्छति भूरिपञ्ञो ।"

(Suttanipata - 292)

Mahatma Buddha says 'The scholar who acquires the knowedge of righteousness from the Vedas never wavers in life.'

(b) "विद्वा च सो वेदगू नरो इध, भवाभवे संगं इमं विसज्जा ।
सो वीतदण्हो अनिघो निरासो अतारि सो जाति जरांति ब्रूमीति ॥

(Suttanipata - 1060)

The scholar who bears the knowledge of the Vedas gets disinterested in life and becomes indifferent to death, becomes devoid of desires and yearnings, and thus having become aimless gets disentangled from the vicious circle of life and death. (other verses supporting the idea in Suttinipata are: 322, 458, 503, 846, 1059, etc.)

24. Dr. Bhadanta Ananda Kausalayana, carrying forward the anti-Manu tradition promoted by Dr. Ambedkar detracts Manu only for the sake of detracting in his book entitled 'National Duty'. His thesis in this book is shallow in as much as there is neither any logic nor any appealing analysis. An attempt has been made here to prove bad even what is undoubtedly good through misinterpretation and lopsided presentation. Whereas he resents uncharitable remarks about women made by Manu

(as he believes) he also appears to be anguished at why the word **Pujarha**= 'worth worshipping' has been used for women. This amounts to taking the stand: 'Heads, I win; tails, you lose'. He presents himself as a great paradox. He is an admirer of Mahatma Gandhi and yet does not accept his precepts. He is a Buddhist and yet does not acknowledge the importance of the Vedas and those who possess the knowledge of the Vedas, as has been made out in the Buddhist literature. He took pride in proclaiming himself as a non-Hindu (non-Vedic).

25. All anti-Manu writers have made certain identical remarks which make a biased and lopsided appraisal of the **Manusmriti**. They have not quoted those verses which, being in consonance with the topic in the context, are, beyond any controversy, regarded as from the original text. These are the verses which carry charitable and amiable remarks about women and Shudras. On the other hand, these writers have decried and disparaged Manu by quoting those verses which are doubtlessly regarded as interpolations. These writers have not cared to resolve the question why there should be in the same context clearly self-contradictory statements. And another relevant question is: Why should they have quoted only the controversial statements ignoring others? In fact, if these writers had cared to discuss this issue they would have automatically come across the answer to the question. In that case there would have been left no reason for resentment and consequent protest. Instead, a number of misgivings could have been avoided.

C. THE POSITION OF THE SHUDRAS IN THE MANUSMRITI

Now let us address ourselves to the most discussed and the most controverted topic regarding the **Manusmriti, viz.,** the position of the Shudras as described in the **Manusmriti**. If we glance even cursorily at the evidence available within the **Manusmriti** itself we arrive at some basic and important facts which indicate what Manu's attitude towards the Shudras was.

1. The Dalitas and Backwards of Today not among the Shudras.

Nowhere does the **Manusmriti** talk of the scheduled castes, scheduled tribes and backward classes of today as the Shudras. Manu has given the world the varna system, and he determines the varna of a man not on the basis of his parentage but on the basis of his merits, vocation and capabilities. This is the reason why no community or vocation as such has

been included in the Shudra category. It were the subsequent societies and later-day system- givers who named certain varnas and vocations as belonging to the Shudra category. Some people, out of unfounded misgivings, are imputing this later development to Manu. It is the subsequent societies which are responsible for degenerated systems but Manu is being lashed out! What a sense of justice on the part of the representatives of the Dalitas!

2. Manu's Deninition of Shudra not Applicable to Present-day Dalitas.

The present day Dalitas and Backwards cannot be included in the Shudra category as per definition of Shudra given by Manu. According to him those who have, besides their normal birth, also a second birth called **Brahma janma** {Which takes place on being initiated into receiving education at the feet of the teacher for acquiring awareness of the higher reality (**Brahma**)} are called **dvijas** (twice-born), i.e., the Brahmanas, Kshatriyas and Vaishyas. Those who do not have the **Brahma janma** and thus have only one birth are called Shudras. This means that a child who goes to his teacher at the time prescribed for receiving education in the Vedas and other lores (with all the formal religious ceremonies performed) and also for receiving training pertinent to his varna, is born a second time. This **Vidya janma** which has been called **Brahma janma** in holy scriptures is his second birth. However, a child who deliberately or on account of being a dullard or being incapacitated to acquire education and training in any of the three **dvija** varnas remains **ekjati** which means the one having only one birth, a mere natural or Shudra. Besides, the man who, inspite of having received education and training in any one of the three high varnas does not carry out the prescribed duties and obligations of that varna, also becomes a Shudra (See **Manusmriti**: 2-126, 169, 170, 172, 10-4, etc.)

A couple of quotes from the **Manusmriti** as evidence to this effect merit our attention:-

(a) ब्राह्मण: क्षत्रियो वैश्य: त्रयो वर्णा: द्विजातय: ।
चतुर्थ एकजातिस्तु शूद्र: नास्ति तु पञ्चम: ॥ (**Manu. 10.4**)

This means that the three varnas, i.e., the Brahmanas, the Kshatriyas and the Vaishyas are called **dvijatis (dvijas, i.e.,** twice-born) because they have, through education, a second birth also. The fourth varna is

ekjati (once-born only) because members of this varna have only one birth, i.e., the normal birth and do not have a second birth named **Vidya janma**. There is no other varna than these four ones.

(b) शूद्रेण हि समस्तावद् यावद् वेदे न जायते (2-172)

It means that unless a man acquires the **Brahma janma** (a second birth by undertaking the studies of the Vedas) he continues to remain like a Shudra.

(c) न वेत्ति अभिवादस्य - - - यथा शूद्रस्तथैव सः। (Manu. 2-126)

It means that one who is not possessed of the courtesy of doing obeisance to others is a Shudra.

(d) प्रत्यवायेन शूद्रताम् (Manu. 4-245)

It means: A Brahmana becomes a Shudra if he joins the company of depraved and evil-minded people and conducts himself at their level.

This definition of the Shudra continued to remain in operation even until later days.

(e) जन्मना जायते शूद्रः, संस्काराद् द्विज उच्यते (Skanda Purana)

Every person is born a Shudra. It is only on the performance of the **Upanayana** ceremony later that he becomes a **dvija** (twice-born).

This system upheld by Manu is practised in Bali island even until today There **dvijati** and **ekjati** words are used to distinguish the **dvijas** from the Shudras. However, Shudras are not regarded as untouchables there.

3. Shudras are not Untouchables

A number of verses in the **Manusmriti** indicate that Manu had an attitude of humanity, feeling and goodwill towards Shudras and by no means did he regard them as untouchable, depraved and hateworthy. Manu has used for Shudras such epithets as 'best', 'highest' and 'cleanest'.. And a person who is described so eulogistically can never be untouchable or hateworthy. (9-335). Manu has directed Shudras to carry out in the households of **dvijas** such domestic chores as cooking, and some other manual and labour-based services (1-91;9-334. 335). If some Shudra comes as a guest to the house of a **dvija** the latter is directed to serve him meals, (3-112). He is also directed to take meals only after he has served meals to his servants who used to be Shudras in those times (3-116). Are the servants and domestic helps in a household in the present day varna-free 'civilized' society served meals in precedence over the employer? Are

they given so much of consideration? How humane, respectful and considerate an attitude Manu had!

As per Vedic Varna system Brahmanas, Kshatriyas, Vaishyas and Shudras have been metaphorically described to have emerged from the mouth, arms, thighs and feet of Brahma (the **pramatmapurusha**) respectively (1-31). This leads us to three conclusions. One, the members of all the four varnas are the progeny of God and enjoy equal status. Two, when they are all born of the same origin, one or the other of them cannot be untouchable or despicable. Three, the feet which are an organ of the same body cannot be untouchable or despicable **vis-a-vis** the other parts. With such verses in the **Manusmriti**, can any objective and unprejudiced reader make the observation that Manu regarded Shudras as untouchable and hateworthy?

4. Special Concessions to Shudras in the Order of Precedence

Manu has given exceptional regard to Shudras in matters of social recognition. In the order of precedence prescribed by Manu he accords respect and recognition to the first three varnas in proportion to their merits And accordingly the learned is the most respectable (2-111, 112, 130). But Manu has shown extra consideration for Shudras and has provided that the members of the **dvija** varna should show prior respect to an aged Shudra, even though he be illiterate. Such respectfulness for age has not been extended to any of the first three varnas.

मानार्हः शूद्रोऽपि दशमीं गतः (2-137)

Meaning: An elderly Shudra should be shown respect in precedence over others who deserve to be respected only on the basis of the merits they possess-- the greater the merits the more the respect.

5. Freedom to Shudras in the Observance of Religious Rites and Duties

न धर्मात् प्रतिषेधनम् (10-126). It means that the Shudras are not barred from the observance of religious ceremonies and rites. In saying so Manu has allowed freedom to Shudras for the observance of religion. The same point is also made in the verse in which he says 'we must imitate good points of conduct found even in a Shudra (2-213). Vedas grant Shudras a clear right of performing **yajna**, and of reading Vedas and Shastras:

(a) यथेमां वाचं कल्याणीमावदानि जनेभ्यः ।
ब्रह्मराजन्याभ्यां शूद्राय चार्याय च स्वाय चारणाय ॥ (Yajurveda xxvi-2)

Meaning: I have given the benevolent Vedic sermon for all human beings, viz., Brahmanas, Kshatriyas, Vaishyas, Shudras, women, domestic helps and the Shudras of the lowest degree also.

(b) यज्ञियासः पञ्चजनाः मम होत्रं जुषध्वम् । (Rigveda 10-53-4)

पञ्चजनाः = चत्वारो वर्णाः, निषादः पञ्चमः । (Nirukta 3-8)

Meaning: Five classes of people who are entitled to perform **yajna** should carry out **agnihotra**. They are the people belonging to four varnas and the fifth are the Nishadas,

Manu proclaims that the postulates of the **Manusmriti** are in conformity with those of the Vedas. Naturally, therefore, Manu's beliefs and views are also the same as those of the Vedas. That is the reason why wearing of **upanayana** has not been barred for anyone in the discussion on this topic in the Manusmriti. It means that one becomes Shudra only when one does not undergo **upanayana** ceremony and remains uninitiated.

6. Shudras, the Least Liable to Punishment as per Manu's Penal Code.

Now let us have a look at the penal code propounded by Manu. It is highly improper to suggest that Manu has provided for the Shudras a more stringent code of punishment, and has extended privileges and prerogatives to Brahmans. In Manu's code merits are the yardstick, and the level of intelligence, social status, post and position held and the likely social consequences of the crime are the fundamental criteria for determining the punishment to a wrong-doer. Manu's code of punishment is just and equitable which is also psychologically effective. If Manu has accorded greater respect and higher social status to higher varnas, he has also provided for more rigorous punishment in case the members of these varnas commit crimes. Accordingly the Shudra is the least and the Brahmana among all the varnas is the most liable to punishment. In case a king is involved in a crime he is liable to much more severe punishment.

अष्यपाद्यं तु शूद्रस्य स्तेये भवति किल्विषम् ।
षोडशैव तु वैश्यस्य द्वात्रिंशत् क्षत्रियस्य च ॥
ब्राह्मणस्य चतुःषष्टिः पूर्णंवाऽपि शतं भवेत् ।
द्विगुणा वा चतुःषष्टिः, तद्दोषगुणविद्धि सः ॥

(viii-337,338)

A convict in crimes like theft etc. has to be punished keeping in mind the principle that higher the varna to which he belongs the greater the

punishment be meted out to him as there is expected to be greater understanding on his part in respect of the seriousness of the crime, its consequences and social implications. Thus a Shudra is to be punished eight times severe, the Vaishya sixteen times, a Kashatriya thirty two times, a Brahmana sixty four times; nay, hundred times or even 128 times severe.

Besides, Manu has also ruled that no person--be it the preceptor, the priest or even the parents of the king-- should be exempted from the said punishment. The king should not let even a friend go scot-free. If some financially well-off convict seeks exemption on the payment of a large sum of money in lieu of the physical punishment due to him he too should not be let off without due punishment. (8.335,347)

See how just, practical, result oriented and psychologically effective Manu's penal code is ! If it is juxtaposed with the present day penal code the difference will become clear. The cardinal principle of today's code is: All are equal in the eyes of law. Its first point of difference with Manu is that whereas in it people enjoy social prestige as per their position and status in the public and the government, they are liable to only equal punishment. The second point of difference is that the modern system is not equitable. This inequitability can be explained with an illustration. Suppose on tresspassing into a field to graze, a lamb, a buffalo or an elephant is each struck with one blow of the same stick, what will be its effect on each of these animals? The poor lamb will break down and start bleating in pain, the buffalo will just feel the impact and the elephant won't even feel that it has been given a blow. But the question is: Does it really amount to a standard measure of punishment and equitable justice? Equitable justice is that which works in normal day-to-day life. A he-buffalo can be controlled with just a lathi blow whereas it requires an iron-hook or a goad to tame an elephant or a lion. Let us take another illustration. If it is a question of the payment of a fine of Rs. 1000/- a poor and penniless person will be able to pay it off with extreme hardship by borrowing the amount on exacting terms and will have to labour for a life time to repay the sum. A man belonging to middle class will feel the pinch of it but will easily pay it off. But a wealthy person will pay off the fine with a what-do-I- care attitude! It is the result of only this unrealistic and psychologically ineffective penal system that whereas the poor get entrapped in the clutches of law, the people with position, pelf and power easily get away with crimes or have

themselves let off on the payment of only monetary fines. It will be revealing to cast a glance at the statistics available as to how many of the poor and powerless on the one side and how many of the rich and resourceful on the other side have been effectively booked for offences. The latter, if at all they are sentenced, keep on paying off monetary fine for offences only to repeat them. There is no such imbalance in Manu's Penal Code which is extremely even-handed!

The severity of punishment is perfectly proportionate to the seriousness of crime in Manu's penal code. He provides for rigorous punishment for serious crimes, and for lighter punishment for less serious offences to all varnas without any discrimination, whatsoever. The provision for very harsh punishment specially for the Shudras is in sharp contrast to Manu's pronounced code. Such a provision is to be found only in the spurious verses which were never composed by Manu.

7. Shudras are not Slaves

The statement calling for engaging Shudras in slavery, or for not paying them their wages runs counter to Manu's well-known instructions. In fact Manu has called upon the kings to give wages to servants and domestic helps as per their status. He also emphasises that their wages should not be deducted without any sufficient and valid reasons. (7-125, 126, 8-216)

8. Shudras are Savarnas

If we refer to **the Manusmriti** in its present interpolated form we can see a number of provisions made by Manu which have been altered by the subsequent societies to suit their whims and requirements. Manu regards all the four varnas as **savarna** and any one other than the four as **non-savarna**. But the subsequent societies started putting the Shudras in the category of non-savarnas. (10-4,45)

Manu includes the artisans, sculptors, etc. among the Vaishyas (3-64,9-329; 10-99-120) but the subsequent society relegated them to the category of Shudras. Also, whereas Manu regards agriculture and animal husbandry as the job of the Vaishyas (1.90) the Brahmanas and Kshatriyas who have mostly been pursuing these professions have not been accepted as Vaishyas by the subsequent societies including the present. How can this categorising be accepted as prescribed by Manu?

Thus we see that the provisions which were really made by Manu are just and equitable. He has not been unfair to the Shudras or, for that

matter, to any other varna.

D. THE POSITION OF WOMEN IN THE MANUSMRITI

1. Women Held in Highest Esteem

It is clear from the internal evidence of the **Manusmriti** that the anti-women picture of Manu presented by some is baseless and contrary to facts. The provisions concerning women in Manu have been inspired by his sense of respect, justice and goodwill and his concern for their security and equality with men. Here are some facts of evidence in support:-

Maharshi Manu is the first great man of the world to have given the society the highest ideal about women which adds remarkably to the dignity, status and self-respect of women.

यत्र नार्यस्तु पूज्यन्ते रमन्ते तत्र देवताः ।
यत्रैताः तु न पूज्यन्ते सर्वाः तत्राफलाः क्रियाः ॥ (3-56)

The correct meaning of the verse is: Gods (who stand for divine qualities, good deeds, sweet nature and blessings for the family, for obedient children and other coveted possessions) make their abode in the household in which women are treated with respect. However, where they are not shown any respect, all ventures and undertakings end in a smoke. There can be no better proof to show the reverential attitude of Manu towards women than the extremely respectful and beautiful adjectives used for women by him. He says that women in the family are instrumental in bringing good luck to the household; they are respectable; they are illuminating by their very presence and decorative in appearance; they are a symbol of prosperity; they are the mistresses and the sole managers of the household; they are heavenly in influence; they are conducive to a smooth worldly journey (ix-11,26,28; v-150). He adds that people wishing for their welfare must respect women, and that those families and households in which women have to suffer slights, go to dogs. According to him the real happiness and welfare of a household lies in the happiness and welfare of the women in it (iii-55-62). So he instructs the husband and the wife in the household to remain happy and satisfied with each other, not to act against each other and not to indulge in any such activity as may lead to their separation (ix-101-102). Only one verse will suffice to bring out Manu's feelings.

प्रजनार्थं महाभागाः पूजार्हाः गृहदीप्तयः ।
स्त्रियः श्रियश्च गेहेषु न विशेषोऽस्ति कश्चन ॥ (Manu 1-26)

It means that women bring good luck to a household through procreation; they deserve respect and reverence; they irradiate the house with their presence. In fact there is no difference between the godess of wealth and the woman.

2. Son and Daughter have Equal Status

Those unacquainted with Manu's code will be pleasantly surprised to be informed that Manu is the first law-giver to have ordained that son and daughter enjoy an equal status in the family. He has also given this concept a constitutional validity. He says : पुत्रेण दुहिता समा (9-130) which means that daughter is at par with son in every respect.

3. Son and Daughter : Equal Partners in Parental Property.

Manu regards both the son and the daughter as equal heirs to parental property. This opinion finds a mention in the **Manusmriti** in chapter ix-130,192. This very view has been quoted in the **Nirukta** as follws:-

अविशेषेण पुत्राणां दायो भवति धर्मतः
मिथुनानां विसर्गादौ मनुः स्वयम्भुवोऽब्रवीत् ॥ (iii-1-4)

Meaning : In the beginning of the creation **Svayambhu Manu** ordained and declared that there is euqal right for son and daughter in the ancestral parental property. Manu has infact enhanced the importance of girls in the house-hold by laying down that only daughters (and not sons) are entitled to inherit the personal property of the mother (ix-131).

4. Special Instructions for the Safety of Women's Property:

Manu has ensured that nobody usurps the property of women under the impression that they are weaklings. He has laid down that people making such attempts, howsoever close they may be to the concerned woman, should he given the same punishment as has been prescribed for theives (ix-212; iii-52, viii-2,29).

5. Stringent Punishment for Crimes against Women

Manu has tried to ensure the security of women by laying down that the kidnappers and killers of women should be awarded capital punishment and the rapists be banished after being tortured (viii-323; ix0232, viii-352). Manu has given clear instructions for the redressal of all difficulties, big or small, facing women. Men have been instructed not to quarrel with mother, wife and daughter (iv-180). There is a provision for punishment to persons levelling false charges against them; to those deserting women even when they are innocent; to those who fail to fulfil conjugal obligations towards

women (viii-275, 389; ix-4).

6. Marital Freedom to Women :

Manu has an ideal approach on the subject of marriage of woman. He has conceded to her the freedom of marrying a man of her choice who in her opinion is the most suitable for her (ix-90, 91). He has allowed remarriage of a widow and has also sanctioned **Niyoga** (temporary attachment to a member of the opposite sex for a definite purpose such as procreation, etc.) (ix-176,56-63). Marriage is a symbol of affection and respect for girls and, therefore, according to Manu dowry in any form is highly improper and hence forbidden (iii-51-54). Earnestly wishing for happiness to women he suggests that it is better to remain unmarried lifelong than to marry a wicked and vicious man (ix.89).

7. Joint Obligations and Woman's Indispensablity in the Performance of Religious Rites

The participation which women get in every field of activities of men in India as sanctioned by Vedic religion is of unique nature and is not to be seen elsewhere. Here no religous rite, no social ceremony and no household venture can be accomplished without women being associated. Manu also has the same creed to propound. So he entrusts the job of accomplishing religious rites and ceremonies to women, and gives directions that such rites should not be carried out without their participation (ix-11, 28, 96). During the Vedic period women enjoyed all rights such as the right to study the Vedas, right to the wearing of **yajnopavita** (sacred thread), right to doing **yajna** (sacrificial ceremony), etc. They used to embellish the position of **Brahma** (the director) in the **yajna** ceremony. They would acquire the position of seers (exponents) of Vedic hymns after having received high education. Manu who regarded Vedas as of axiomatic authority in all religious matters was a great advocate of high education and all religious rights for women as ordained in the Vedas. That is why he rules that all the rights relating to women should be carried out under their own supervision with the chanting of Vedic hymns by them. (ii-4;iii.28)

8. Preference to Women

The admirers of 'Ladies first' culture will be gratified to learn that Manu has instructed that we should step aside to make way for women on a priority basis. He also rules that the newly married women, the

unmarried girls, ailing, expectant and old women should be provided food first and then alone should husband and wife in the family take meals together. (ii.138; iii.114, 116) All these provisions in Manu indicate the high degree of sense of respect and affection he had for womenfolk.

9. Manu not in Favour of Unrestrained Freedom to Women

It will be only pertinent to clarify in this context that Manu is an admirer of virtues and a great detractor of vices. So he accords all respect to the virtuous ladies and provides for all punishment to the vicious women. One of the characteristics of these provisions of Manu is that he is not in favour of unlimited liberty for woman which may make her unsafe and consequentially be extremely harmful to her. So he has warned women against jumping the security cover provided to her either by the father or by the husband or by the son because such a misadventure on her part can bring a bad name to two families-- one her parents' and the other her in-laws' (v-149; ix-56) However, by no means does it mean that Manu is anti-women's lib. This only implies that the first social requirement of women is security which may be provided to her by the State's law and order machinery or some man or by her own valour. Her own valour, more often than not, fails to protect her in a world dominated by sensual tendencies. There are instances to show that even the well-armed woman-dacoits have required male protection and patronage. However, it will not be proper to assess Manu's contentions in the present day political perspective. Today there is a law-enforcing government and yet thousands of women have been criminally assaulted and thus compelled to go to dogs. Rape and subsequent killing of women is the order of the day and the rule of law is rendered ineffectual. The real import of Manu's words can be realized **vis-a-vis** a situation when there is looseness in administration consequent upon a change in the system of government following violent incidents. It is in such a situation that Manu's words prove to be perfectly true.

This analysis makes it clear that the provisions made by Manu are neither anti-shudra nor anti-woman. They are in fact, extremely fair, just, impartial and even-handed. Manu has said nothing objectionable, nothing exceptionable.

E- SPURIOUS INTERPOLATIONS IN THE MANUSMRITI

The aforementioned discussion leads us to the inevitable conclusion

that the **Manusmriti** does have in it a large number of verses carrying noble canons and commandments. However, it is also a fact that the extremely objectionable verses which anti-Manu writers have been quoting and underscoring are imputed to Manu and his **Manusmriti**. This makes the scripture a carrier of paradoxes. If the latter type of verses were also accepted as really from the original **Manusmriti** it would mean that the book has in it on the one side just and fair rules and regulations and unfair and unreasonable and hence despicable proposals and postulates on the other. The crucial question is: Is it an acceptable position that a book should originally carry in it such paradoxes and self contradictory statements and commandments? When there are no apparently self contradictory statements in the compositions of even ordinary writers of average intelligence how can there be such paradoxical statements in the write-up of such a legal luminary and religiously righteous sage. A plain, simple and incontrovertible explanation to this is one and only one: The just and noble laws and those giving due consideration to a man's potentialities, actions and abilities are originally written by Manu and those against these principles, and putting a premium on partial, unreasonable and unjust approach are interpolations added to the **Manusmriti** from time to time, designed to suit the vested interests of interpolators. This explanation gets upheld as correct and just if we make a reference to the **Manusmriti** itself. The original verses are contextually relevant and written in a sober style which matches with the principle of due consideration for an individual's merits, actions and potentialities so dearly upheld by Manu. The interpolated verses are written in a different style and are not only irrelevant and out of context but also thematically discordant. Thus we can determine which verses are original and which ones are interpolated. In brief can be stated the following as guiding principles for telling the original from the interpolated:-

1. The system upheld by Manu is the Vedic Varna system (Even Dr. Ambedkar has accepted this fact). So the verses upholding the principle of merit-profession-potentiality are the original ones, and those against it and pleading for parentage and birth as determining factors are the motivated insertions made subsequently.

There were no castes during Manu's times. That is why Manu does not name any caste as belonging to one or the other varna. Keeping this in

view the logical conclusion is that the verses upholding the inheritance of varnas are the interpolated ones.

2. The verses relating to the system of due and equitable punishment quoted in the present write-up, which constitute the general law, are original. And the verses which talk of discriminatory rigorous punishment only to some sections are interpolated ones.

3. Similarly the verses quoted here relating to the definition of Shudras, talking of charitable attitude towards them, of performance of religious rites by them, of possible change from one varna to the other are from the original text. On the other hand those which talk of a person being a Shudra if born of Shudra parents, which talk of untouchability, of discrimination between the high and the low, and those which support exploitation of weaker sections are interpolated ones.

4. Again the verses quoted in this article suggesting that women should be given due regard, should enjoy social freedom, have equality with men and have the right to education including the right to study the Vedas, are original and those negating these postulates are interpolations.

Some readers may be interested in going deep into the question of which verses are original and why, which verses are subsequent motivated additions and why. They are urged to refer to the **Manusmriti** (Complete) in HIndi published by the **Arsh Sahitya Prachar Trust, 455-Khari Baoli, Delhi**. This book carries an appraisal of the book on the strength of arguments based on internal evidence and tells the original verses from the interpolated ones on the basis of universally acceptable yardsticks. This edition of the **Manusmriti** will prove very useful in securing information regarding the original subjects taken up in the scripture for discussion, regarding the interpolated verses clearly stating why they are decisively and conclusively interpolated and not original, regarding some of the popular misgivings about the **Manusmriti** and their resolution in a convincing manner. This is the latest research on interpolations in the **Manusmriti**. It is essential to make it clear here that the interpolated verses are no longer a subject of controversy. Instead, they have been accepted as such decisively, conclusively and finally. It is a fact of history supported by written evidences that there have been made motivated additions to the ancient Sanskrit literature from time to time. The **Mahabharata** which originally carried only 10,000 verses has gradually

become a stupendous volume of about one lakh verses. Today's **Ramayana** carries hundreds of more shlokas than those in a hand-written version which is about one thousand years old and which is still lying preserved in the Nepalese archives. The **Manusmriti** is also sailing in the same boat. As a matter of fact a larger number of additions, alterations and interpolations have been carried out in it. The reason obviously is that it is more related and relevant to the day-to-day conduct and concerns of human beings. So it was subjected to manipulations by vested interests. The scholars of all shades and hues are unanimous on the issue of interpolations in the **Manusmriti**. The commentaries available on it bear a direct testimony to this fact. The later-day commentaries carry a larger number of verses. There are 170 more verses in Kullukabhatta's commentary (12th century) than those found in that of Meghatithi (9th century). Till then the extra verses in the former had not been assimilated in the main body of the commentary and so had to be given in large brackets. There is a variation in the number of verses found in other commentaries.

*British researchers like Wooler, J.Jolly, Keith and MacDonell and the Encyclopaedia Americana also accept that the **Manusmriti** carries a large number of interpolations.

*Maharshi Dayanand, the founder of the Arya Samaj regards only the original and interpolation-free **Manusmriti** as authentic. He has pointed out some interpolated verses and has urged scholars to identify other such verses for expurgating this great work.

*Mahatma Gandhi in his book entitled 'Varna Vyavastha' accepts that the objectionable verses found in the **Manusmriti** are subsequent motivated insertions. Dr. Radhakrishanan, Dr. Rabindernath Tagore and other national leaders and scholars too are of the same opinion.

Hence the need of the hour is that the original **Manusmriti** should be reckoned as authentic, and the opposition to Manu on the basis of interpolated **Shlokas** should be rebutted because Manu and **Manusmriti** are worth taking pride in and not something condemnable. We should not drag such invaluable and important heritage of our country in the dirty politics of vested interests, and thus should not desecrate it by subjecting it to indignities and insults.

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Published By
Arsh Sahitya Prachar Trust,
455, Khari Baoli, Delhi-6